

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GIBSON A. HALL,	§
	§
Plaintiff Below-	§ No. 324, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
CARL DANBERG, <i>et al.</i> ,	§ in and for New Castle County
	§ C.A. No. N10C-04-274
Defendants Below-	§
Appellees.	§

Submitted: June 10, 2010

Decided: July 1, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This first day of July 2010, it appears to the Court that:

(1) On June 2, 2010, the Court received appellant's notice of appeal from a Superior Court order, dated May 5, 2010, which dismissed his complaint in part. On June 4, 2010, the Senior Court Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why his appeal should not be dismissed for failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order.

(2) Appellant filed a response to the notice to show cause on June 10, 2010. He appears to assert, alternatively, that: (i) the Superior Court's

order was final as to the dismissal of the portion of his complaint alleging claims under 42 U.S.C. § 1983 and, thus, his appeal is not interlocutory; (ii) his §1983 claims are collateral to his mandamus claims (which were not dismissed) and, thus, his appeal is reviewable under the collateral order doctrine; and (iii) his appeal meets all of the standards for certification of an interlocutory appeal under Rule 42 and his failure to comply with Rule 42 should be excused because he is a pro se litigant.

(3) We find no merit to any of these claims. The collateral order doctrine only applies to “that small class [of decisions] which finally determine claims of right separable from, and collateral to, rights asserted in the action....”¹ The Superior Court's dismissal of appellant’s § 1983 claims is not collateral to his claim for mandamus relief. Appellant could have sought the entry of a final judgment with respect to his § 1983 claims pursuant to Superior Court Civil Rule 54(b), but he failed to do so. Nor did he attempt to comply with Supreme Court Rule 42 in seeking to appeal the Superior Court's interlocutory ruling. Appellant’s pro se status does not excuse his failure to comply with the Court’s rules. Accordingly, this appeal must be dismissed.

¹ *Evans v. J.P. Court No. 19*, 652 A.2d 574, 576 (Del. 1995) (quoting *Cohen v. Beneficial Indus. Loan*, 337 U.S. 541 (1949)).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice